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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Fosamax Products Liability Litigation

1:06-md-1789 (JFK)

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This Document Relates to:

Tristano v. Novartis Pharmaceuticals Corp.
and Merck & Co., Inc.

Case No. 2:07-cv-04481-SRC
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**STIPULATION AND ORDER EXTENDING TIME FOR MERCK & CO., INC. TO
ANSWER, MOVE, OR OTHERWISE REPLY TO PLAINTIFF'S COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Ella
Tristano and Defendant Merck & Co., Inc. ("Merck"), through their respective
undersigned counsel that Merck's time to Answer, Move or Otherwise Reply to
plaintiff's complaint will be extended up to and including January 7, 2008:

1. On July 31, 2007, Plaintiff filed this class action case in the Superior
Court of New Jersey, Middlesex County, against Merck and co-defendant Novartis

Pharmaceutical Corporation ("Novartis") based on alleged injuries she claims to have suffered as a result of her "being prescribed and injected with Novartis' drug Zometa and being prescribed and ingesting Merck's drug Fosamax," as described in the plaintiff's complaint, attached hereto as Exhibit A. Plaintiff also seeks a "Court-supervised Dental Monitoring Program" on behalf of "individuals who reside in New Jersey" and who took Zometa and/or Fosamax as described in Exhibit A.

2. Service of Process was effected on Merck on or after August 15, 2007.

3. After service of the Complaint on Merck, co-defendant Novartis removed this case to the District of New Jersey on September 17, 2007.

4. The initial period for Merck to Answer, Move or otherwise Reply expired on September 24, 2007, and Merck obtained a Clerk's extension of 15 days pursuant to District of New Jersey Local Civil Rule 6.1(b), extending the time to October 9, 2007.

5. On October 5, 2007, Merck filed a stipulation and proposed order, with plaintiff counsel's consent, in the District of New Jersey seeking an additional 60-day extension to Answer, Move or otherwise Reply to plaintiff's complaint on the grounds that this Court's ruling on class certification may affect the disposition of this case. The Stipulation and Order Extending Time to Answer, Move or Otherwise Reply attached hereto as Exhibit B.

6. On October 10, 2007, Magistrate Judge Claire C. Cecci entered the parties' Stipulation and Order, attached hereto as Exhibit C, thereby extending the time for Merck to respond to plaintiff's complaint until December 8, 2007.

7. On October 26, 2007, the claims in this action relating to Fosamax were transferred to this Court. Conditional Transfer Order No. 50 is attached hereto as Exhibit D.

8. Given that a class certification hearing was held before Your Honor on November 30, 2007, and that Your Honor's ruling on class certification may affect the disposition of this case, Merck respectfully seeks an additional 30-day extension for Merck to Answer, Move or Otherwise Reply to plaintiff's complaint to January 7, 2008.

9. Plaintiff consents to this request.

Dated: December 6, 2007

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SO ORDERED:

John F. Keenan
Hon. John F. Keenan